



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

June 28, 2013

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To: Supervisor Mark Ridley-Thomas, Chairman  
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Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name.

## SACRAMENTO UPDATE

### Executive Summary

This memorandum contains reports on the following:

- **Status of County-Advocacy Legislation**

- **County-supported AB 272 (Gomez)** - related to rabies vaccinations for dogs, passed the Senate Health Committee on June 26, 2013.
- **County-support-if-amended AB 1126 (Gordon)** - related to municipal solid waste conversion, passed the Senate Committee on Environmental Quality on June 26, 2013.
- **County-supported SB 402 (De León)** - related to the Ten Steps to Successful Breastfeeding, passed the Assembly Health Committee on June 25, 2013.
- **County-supported SBX1 3 (Hernandez)** - related to the health care Bridge Plan for qualified low-income persons who are not eligible to Medi-Cal, passed the Assembly Floor on June 27, 2013.

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- **Status of Legislation of County Interest.** Updates on the status of four measures of significant interest to the County related to hydraulic fracturing, the City of Maywood Water Company, HIV testing in primary care clinics, and the California Environmental Quality Act.

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### **Status of County-Advocacy Legislation**

**County-supported AB 272 (Gomez)**, which as amended on May 28, 2013, would require that a dog three or four months of age, or older, be vaccinated against rabies, passed the Senate Health Committee by a vote of 9 to 0 on June 26, 2013. This measure now proceeds to the Senate Appropriations Committee.

**County-support-if-amended AB 1126 (Gordon)**, which as amended on May 8, 2013, would: 1) define the term municipal solid waste (MSW) conversion to mean the conversion of solid waste through a process that meets specified requirements; 2) define municipal solid waste conversion facility to mean a facility where MSW conversion, as defined, takes place; 3) revise the definition of composting to include anaerobic digestion of organic waste; and 4) require a countywide siting element to include a description of the areas to be used for the development of adequate MSW conversion, among other provisions, was amended on June 19, 2013.

As amended, the bill would now: 1) define the term engineered municipal solid waste conversion, or EMSW conversion, as conversion of solid waste through a process that meets specified requirements; 2) define engineered municipal solid waste conversion facility to mean a facility where EMSW conversion, as defined, takes place; 3) include EMSW facility in the definition of solid waste facility and a disposal facility while excluding it from the definitions of a solid waste transfer or process station, composting facility, and transformation facility; and 4) allow a siting element providing for an EMSW conversion facility to only be approved by the city in which it is located or, if it is not located in a city, by the county.

Specifically, AB 1126 defines engineered municipal solid waste conversion, or EMSW conversion, as the conversion of solid waste through a process that meets all of the following requirements: 1) the waste to be converted is beneficial and effective in that it replaces or supplements the use of fossil fuels; 2) the waste to be converted, the resulting ash, and any other products of conversion do not meet the criteria or guidelines for the identification of a hazardous waste adopted by the Department of Toxic Substances Control; 3) the conversion is efficient and maximizes the net calorific value and burn rate of the waste; 4) the waste to be converted contains less than 25 percent moisture and less than 25 percent noncombustible waste; 5) the waste received at the facility for conversion is handled in compliance with the requirements for

the handling of solid waste imposed pursuant to this division, and no more than a seven-day supply of that waste, based on the throughput capacity of the operation or facility, is stored at the facility at any one time; 6) no more than 500 tons per day of waste is converted at the facility where the operation takes place; and 7) after conversion, the waste has a value of 5,000 BTU per pound.

The Department of Public Works (DPW) indicates that the provisions of AB 1126 which streamline the countywide siting element (CSE) process by including EMSW facilities in the definition of solid waste facilities would provide the County savings because currently the CSE amendment process takes approximately two years at a cost of more than \$250,000.

However, the Department of Public Works reports that the bill's definition of traditional waste-to-energy (combustion) and non-incineration conversion technologies (such as mechanical, chemical, and thermal processes) as EMSW conversion and classifying it as disposal may create disincentives for jurisdictions to send waste to EMSW facilities instead of landfills. DPW also indicates that, as currently written, the bill has inconsistencies in the definition of EMSW conversion and arbitrarily limits facilities to only being able to process up to 500 tons per day, which would provide only nominal benefit to large jurisdictions. AB 1126 also includes language that would cause the recalculation of jurisdictions' waste generation to exclude waste tires and biomass sent to EMSW facilities, which would result in lowering the affected jurisdictions' allowable per capita disposal target and may jeopardize their compliance with the State's 50 percent waste diversion mandate.

This office and the Department of Public Works support AB 1126, if amended, to revise the definition of engineered municipal solid waste conversion and EMSW conversion to: 1) explicitly identify the processes that would fall under this classification; 2) differentiate between combustion and non-combustion processes; 3) revise provisions in the definition that are specific to combustion so that they apply to non-combustion processes as well as processes that use combustion; 4) lift or significantly increase the 500 tons per day cap; and 5) ensure recyclables are recovered for recycling prior to the conversion process. DPW further recommends the bill be amended to clarify that none of the provisions of the bill would cause a revision to the calculation of a jurisdiction's per capita disposal rate as established under current law. Therefore, the Sacramento advocates will continue to support AB 1126, if amended, to make the changes as described above.

AB 1126 passed the Senate Committee on Environmental Quality by a vote of 9 to 0 on June 26, 2013. This measure now proceeds to the Senate Appropriations Committee.

**County-supported SB 402 (De León)**, which as amended on June 18, 2013, would require general acute care and special hospitals that have a perinatal unit to adopt the Ten Steps to Successful Breastfeeding by January 1, 2025, passed the Assembly Health Committee by a vote of 19 to 0 on June 25, 2013. This measure now proceeds to the Assembly Appropriations Committee.

**County-supported SBX1 3 (Hernandez)**, which as amended on June 19, 2013, would establish a Bridge Plan that would require the California Health Benefits Exchange to contract with Medi-Cal managed care providers to offer health care plans for low-income persons previously enrolled in the Medi-Cal or Healthy Families Programs, and for other qualified persons with incomes up to 200 percent of the Federal Poverty Level, passed the Assembly Floor by a vote of 74 to 0 on June 27, 2013. This measure now returns to the Senate for concurrence with amendments taken by the Assembly.

#### **Status of Legislation of County Interest**

**AB 7 (Wieckowski)**, which as amended on June 10, 2013, would: 1) require the operator of a well to file an application before commencing drilling; 2) require, on or after January 1, 2014, additional information to be included in the application, including information regarding the chemicals, if any, to be injected into a well; 3) define hydraulic fracturing; and 4) on or before January 1, 2015, require the California Department of Conservation in consultation with the Office of Environmental Health Hazard Assessment and the Department of Toxic Substances Control to establish a process through which all chemicals used in hydraulic fracturing treatments be studied or reviewed, passed the Assembly Natural Resources Committee by a vote of 5 to 2 on June 24, 2013. This measure now proceeds to the Assembly Appropriations Committee.

**AB 240 (Rendon)**, which as amended on June 5, 2013, would: 1) require mutual water companies to comply with open meeting, public record, audit, and budget requirements; and 2) declare the intent of the Legislature to encourage collaboration among the three separate mutual water companies that serve the City of Maywood, was amended on June 18, 2013.

The amendments add provisions enacting the Mutual Water Company Open Meeting Act and would permit eligible persons to attend and speak at meetings of mutual water companies' boards of directors and would require the board of directors of a mutual company to make specified documents available to eligible persons. The bill defines an eligible person as: 1) a stockholder or member of the mutual water company; 2) a person who is an occupant, pursuant to a lease or a rental agreement, of

Each Supervisor  
June 28, 2013  
Page 5

commercial space or a dwelling unit to which the mutual water company sells, distributes, supplies, or delivers drinking water; 3) an elected official of a city or county who represents the mutual water companies' customers; and 4) any other person eligible to participate in the mutual water company's meetings under its bylaws. AB 240 is pending consideration on the Senate Floor.

**AB 446 (Mitchell)**, which as amended on June 17, 2013, would: 1) require every patient between 12 and 65 years of age who has blood drawn at a primary care clinic and who has consented, to be offered an HIV test; 2) require the medical care provider or person administering the HIV test to provide information about risk reduction strategies; 3) require the person administering the HIV test to record the informed consent in the patient's medical record; 4) require the person administering a test for a provider covered by the exemption to document the person's independent request for the test; 5) exempt clinical laboratories from the informed consent requirements; and 6) authorize the disclosure of the HIV test results by Internet posting or other electronic means if the result is posted on a secure Internet Web site and can only be viewed with the use of a secure code that can access only a single set of test results and that is provided to the patient at the time of testing. AB 446 passed the Senate Health Committee by a vote of 9 to 0 on June 26, 2013 and now proceeds to the Senate Judiciary Committee.

**SB 436 (Jackson)**, which as amended on April 3, 2013, would: 1) add the State Clearinghouse and project applicants to the list of parties and entities that must receive public notice from the lead agency regarding the period to comment on an environmental document and the date, time, and place of any public hearing on a proposed project; and 2) clarify that the lead agency must conduct at least one public scoping meeting for projects of Statewide, regional or area wide significance, or that may affect a highway or other facility under the jurisdiction of the California Department of Transportation. SB 436 passed the Assembly Natural Resources Committee by a vote of 6 to 3 on June 24, 2013 and now proceeds to the Assembly Appropriations Committee.

We will continue to keep you advised.

WTF:RA  
MR:VE:IGEA:ma

c: All Department Heads  
Legislative Strategist